

DEFAULT

FOR CASES WITHOUT CHILDREN

YOU DID NOT ASK FOR SPOUSAL SUPPORT

YOU CAN USE THIS PACKET IF ALL THIS IS TRUE:

- You filed a Petition for divorce or legal separation without children with the court.
- You did not ask for spousal support for either party.
- You served the court papers on Respondent.
- You filed proof of service with the court.
- Respondent failed to respond.
- Respondent is not on active duty with the military.
- You want to finish the case.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

INSTRUCTIONS

STEP 1: FILL OUT THE FOLLOWING FORMS

- ☐ Application for Default and Entry of Default
- ☐ Decree of Divorce or Legal Separation Without Children
- ☐ Motion And Affidavit For Judgment By Default Without A Hearing

You must list exactly the same things on the Decree that you listed on the Petition. You cannot use the Decree to ask for something new or different from what you asked for on the Petition.

STEP 2: FILE THE FORMS WITH THE COURT

Take or mail the original and two copies of the forms listed above to the Clerk of Superior Court, 200 N. San Francisco St., Flagstaff, AZ 86001. The Clerk will stamp your copies with the filing date and return them to you. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copies.

STEP 3: MAIL THE FORMS TO RESPONDENT

Mail a copy of the forms to Respondent on the day you file them. If Respondent has an attorney, also mail them to the attorney. If 1) you don't know Respondent's whereabouts and 2) Respondent doesn't have an attorney or you don't know whether Respondent has an attorney, mail them to Respondent's last known address.

STEP 4: IF RESPONDENT FILES A RESPONSE: USE THE LAW LIBRARY PACKET CALLED *DISCLOSURE*

STEP 5: IF RESPONDENT DOES NOT FILE A RESPONSE: THE COURT WILL MAIL YOU AN ORDER

If the judge signs the Decree, mail or hand-deliver a copy to the other party. If the other party has an attorney, deliver it to the attorney.

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner: _____ Case Number: DO _____

**APPLICATION FOR DEFAULT AND
ENTRY OF DEFAULT**

Respondent: _____

Notice to Respondent: *If you do not file a written response with the court or otherwise defend in this action within 10 days of this Application being filed, a default judgment may be entered against you.*

I, Petitioner, ask the court to enter default of Respondent. I served a copy of the Petition and Summons on Respondent, and Respondent failed to plead or otherwise defend in this action within the time required by law. Respondent is not in military service.

[] I served the Summons by publication in a newspaper. I don't know Respondent's whereabouts, and Respondent doesn't have an attorney or I don't know whether Respondent has an attorney.

Certificate of Mailing: On the day I file it, I will mail a copy of this document to the other party and his/her attorney if he/she has one at *(if you knew Respondent's address when you served the Summons, but you do not know it now, enter Respondent's last known address)*:

Respondent:
Street Address: _____ City, State, Zip: _____
Respondent's Attorney's Name: _____
Street Address: _____ City, State, Zip: _____

Sign in front of a notary. Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____

ENTRY OF DEFAULT

Respondent was properly served with the necessary papers in this case. Respondent failed to respond in the manner or time required by law. Default of Respondent is entered.

Date: _____

Clerk of Superior Court by Deputy Clerk

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

COCONINO COUNTY SUPERIOR COURT

Petitioner: _____ Case Number: DO _____

DECREE OF:

☐ **LEGAL SEPARATION**

☐ **DIVORCE**

WITHOUT MINOR CHILDREN

Respondent: _____ By Default or After Trial

THE COURT FINDS:

This case has come before the court for a Decree. The court has taken all testimony needed to enter a final Decree. The court has jurisdiction over the parties under the law, and the provisions of the Decree are fair and reasonable under the circumstances.

The Parties and the Marriage:

The conciliation provisions have been met or do not apply.

For a Decree of Legal Separation: The parties' non-covenant marriage is irretrievably broken, or at least one party desires to live separate and apart. At least one party lived in Arizona, or was stationed in Arizona while a member of the armed services, on the date the Petition was filed. Respondent does not object to a decree of legal separation.

For a Decree of Divorce: The parties' non-covenant marriage is irretrievably broken. At least one party lived in Arizona for at least the 90 days before the date the Petition was filed.

THE COURT ORDERS:

For a Decree of Legal Separation: The parties are legally separated.

For a Decree of Divorce: The parties' marriage is dissolved.

Spousal Support:

- ☐ Neither party is entitled to spousal support.
- ☐ ☐ Petitioner or ☐ Respondent shall receive \$_____ per month in spousal support from the other party beginning the first day of the month after the Decree is signed, because he/she:
- ☐ Lacks sufficient property to provide for his or her reasonable needs
 - ☐ Is unable to support himself or herself through appropriate employment
 - ☐ Is the custodian of at least one child whose age or condition is such that the person should not be required to seek employment outside the home
 - ☐ Lacks earning ability in the labor market adequate to support himself or herself
 - ☐ Contributed to the educational opportunities of the other spouse
 - ☐ Had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself or herself

Payments shall be made by the first day of each month thereafter and continue until the receiving party is remarried or deceased or until _____, whichever is sooner.

Payments shall be made through the Support Payment Clearinghouse by automatic wage assignment.

Property and Debts:

Community property and debts are divided and separate property and debts are confirmed as follows.

	Value	Petitioner	Respondent
Community Property:			
<u>Real Estate:</u>			
Address: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Legal Description: _____			
Address: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Legal Description: _____			
<u>Bank Accounts:</u>			
<i>Enter the name on the account and the account description (for example, "savings").</i>			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

	Value	Petitioner	Respondent
<u>Motor Vehicles:</u>			
Make: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
Make: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
<u>Employment Benefits:</u>			
<i>Examples: 401K, retirement accounts, pensions.</i>			
<i>Enter name on the account and the fund name.</i>			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Other Community Property:

☐ The parties have already divided all remaining property, and the court confirms that division, except as follows.

	Value	Petitioner	Respondent
Household Furniture and Appliances:			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Other:			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Community Debts:

Enter the name on the account, creditor, and description (for example, "credit card").

_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Separate Property:

_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

	Value	Petitioner	Respondent
Separate Debts:			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Each party shall pay all debts unknown to the other party. Each party shall pay his or her debts forward from the date the Petition was served on Respondent. This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfers of title ordered in this Decree, such as for motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property to the other party as ordered within 10 calendar days after the judge signs the Decree.

Enforcement of Temporary Orders: *(Leave this paragraph blank.)* For obligations ordered to be paid in the temporary orders dated _____: ☐ they are satisfied in full or ☐ judgment is awarded against the party with the obligation. The amount owing as of the date of this Decree is \$ _____. At the legal rate of interest, the total amount currently owing is \$ _____.

Names (for Divorce only):

Petitioner's former name is restored to: _____
Respondent's former name is restored to: _____

Other Orders:

Petitioner shall mail a copy of this Decree to Respondent.

Date: _____ Superior Court Judge: _____

APPROVED BY:

I have read this Decree and agree to be bound by its terms and conditions.

Sign in front of a notary. Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____

This form asks the judge to finish your case without a hearing. The judge will decide whether a hearing is needed in your case.

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner: _____ Case Number: DO _____

MOTION AND AFFIDAVIT FOR
JUDGMENT BY DEFAULT WITHOUT
A HEARING

Respondent: _____

I, Petitioner, ask the court to sign my proposed Decree without a hearing.

Respondent has defaulted. Respondent is not a minor or incompetent person. The court has jurisdiction over the parties under the law. The conciliation provisions have been met or do not apply. We have no biological or adopted children together, and the wife is not pregnant by the husband. I did not ask for spousal support for either party.

The amount due and factual statements supporting that amount are listed in my Petition and proposed Decree.

Sign in front of the Clerk when you file, or sign in front of a notary. Notaries are at most banks or listed in the Yellow Pages. Notaries usually charge a fee. The person signing must bring photo ID.

Petitioner's Signature: _____

State of Arizona)
)
County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal: Notary Public: _____
Notary Expiration Date: _____